


## **Recommendations of the Governor's Elder Abuse Task Force**

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### **The Governor's Task Force on Elder Abuse**



- Created through Executive Order No.2005-11 by Governor Jennifer Granholm.
- Members were appointed by the Governor, and represented organizations and providers of health care, insurance, financial, legal, advocacy (private & public), law enforcement and prosecution.

## **Charge of the Task Force on Elder Abuse**

The Task Force was charged with the responsibility regarding elder abuse and exploitation, in part to:

- Examine and identify the nature & scope in Michigan;
- Identify new resources for prevention and/or prosecution;
- Identify best practices for prevention and/or prosecution; and
- Recommend necessary changes in law and policies to assist in prevention and/or prosecution.

## **Recommendations of the Governor's Task Force on Elder Abuse**

- Final Report Issued August 23, 2006. Can be found at: [www.elderabusemi.org](http://www.elderabusemi.org)
- Goal of recommendations:  
"To create a cohesive, coordinated and proactive response to abuse of older adults, by giving agencies, organizations and individuals the tools they need to better protect them"

## Recommendations (cont.)

- Specific recommendations include
- A public awareness campaign,
- Integrating reporting systems,
- Training for law enforcement, prosecutors and health care professionals, and
- Numerous legislative changes to prevent abuse/exploitation, make prosecution of abusers more efficient, and sentencing more appropriate to the crime.

## Rights of Individuals Deemed “Legally Incapacitated”

- **Recommendation:** *Adopt legislation which clearly defines, identifies and limits the rights that can be removed from persons who are deemed “incapacitated,” (i.e., in need of a guardian), requires certain powers to be specifically granted by the probate court on a case-by-case basis, & requires disclosure to the individual.*
- **Rationale:** Guardians have been known to abuse powers. No legislation currently which comprehensively defines what rights an individual maintains. Certain rights, while granted to individuals, are codified or granted in multiple places.

## Emergency Financial Freeze Orders

- **Recommendation:** *Legislation which permits courts to grant expedited, ex parte financial freeze orders (similar to Personal Protection Orders, without initial notice & hearing).*
- **Rationale:** Currently there is an inability by APS, law enforcement and others to *immediately* secure the funds of a vulnerable adult when financial exploitation is suspected, which can result in irreparable harm or damage to the victim.

## Restitution Collections Program



- **Recommendation:** *Use Colorado's model restitution program which pays for itself and generates revenue for other programs.*
- **Rationale:** Michigan has no system to collect restitution from offenders on behalf of victims of financial exploitation. Inability to collect is particularly harmful to individuals who are elderly.

## Expand the Definition of Extortion

- **Recommendation:** *Adopt legislation which expands the extortion statute, MCL Section 750.213 of the Michigan Compiled Laws, to include threatening a vulnerable adult with a nursing home placement or guardianship, withdrawal of needed care/service, or isolation through the use of physical and chemical restraints.*
- **Rationale:** Many abusers extort money or property from a vulnerable adult by threatening placement in a nursing home, subject him or her to a guardianship, withhold food or medicine, or use of physical and/or chemical restraint to isolate the individual.

## Other Considerations:

- Annual accounting by guardians (linked to HB No. 5186-5188)
- Licensing/State oversight of Home Health Agencies (Michigan is only 1 of 9 states that does not)
- Real estate scams to "avoid" estate recovery (similar to annuities)

## **The Future is Now**

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- Any one of us can and should support elder-friendly legislation to protect ourselves and our loved ones.